

RESPONSE TO OFFICE ACTION

Claims 1 and 3-8 are currently pending in the application. Applicants respectfully request reconsideration of the present application in light of the following remarks.

Double Patenting

Section 1 of the office action rejected claims 1 and 3-8 under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-30 of U.S. Patent No. 6,330,825. Applicants respectfully traverse this rejection.

The present application is a division of U.S. Patent Application Serial No. 09/176,011, now U.S. Patent No. 6,330,825 (the "parent application"). The first sentence of the application clearly states, "This application is a division of U.S. Patent Application No. 09/176,011, now U.S. Patent No. 6,330,825, which claims the benefit of U.S. Provisional Patent Application No. 60/063,183, filed October 20, 1997." A restriction requirement was issued in an office action mailed on February 17, 2000, in the parent application. In response to the restriction requirement, claims 27-33 were cancelled in the parent application. Claims 27 were then presented as claims 1-7 in the present divisional application.

MPEP 804.01 states. "The third sentence of 35 U.S.C. 121 prohibits the use of a patent issuing on an application with respect to which a requirement for restriction has been made, or on an application filed as a result of such a requirement, as a reference against any divisional application, if the divisional application is filed before the issuance of the patent." Accordingly, Applicants respectfully submit the obviousness-type double patenting rejection based on U.S. Patent No. 6,330,825, issuing from the parent application, is improper and should therefore be withdrawn.

Conclusion

As evidenced by the foregoing remarks, Applicants have made a genuine effort to respond to each issue raised in the office action. The claims are all believed to be in condition for allowance. The Examiner is invited to contact the undersigned attorney at 952.474.3701 with any questions, comments or suggestions relating to the referenced patent application.

~~Respectfully submitted,~~

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